UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GEORGE ESPINOZA,)	
Plaintiff,)	Civil Action No. 11-89J
v.)	Judge Kim R. Gibson/
WARDEN LINDSAY; UNIT MANAGER GATES; CASE MANAGER PASSMORE, Defendants.)	Magistrate Judge Cynthia Reed Eddy
	ORDER	

AND NOW, THIS 16th day of February, 2012, the Plaintiff having been granted in forma pauperis status, the Complaint in this action [ECF No. 3] was filed on April 13, 2011. Defendants filed a Motion to Dismiss that Complaint for failure to state a claim on July 17, 2011. [ECF No. 12] The Magistrate Judge filed a Report and Recommendation [ECF No. 17] recommending that Defendants' Motion be granted with prejudice, as Plaintiff failed to allege a violation of any constitutional rights and amendment of the Complaint would be futile. Plaintiff's Objections to the Report and Recommendation were filed on February 14, 2012. [ECF No. 18]. In those Objections, Plaintiff essentially reiterates the arguments made in his Complaint and rejected by the Magistrate Judge. The Court finds nothing in the Objections to undermine the conclusion reached by the Magistrate Judge.

Thus, upon independent review of the record, including Objections filed by Plaintiff, and the Magistrate Judge's Report and Recommendation [ECF No. 17], which is adopted as the opinion of this Court, IT IS HEREBY ORDERED that the Motion to Dismiss filed by the

Defendants [ECF No.12] is GRANTED, and the Plaintiff's Complaint is dismissed with prejudice. The Clerk is directed to mark this case closed.

Kim R. Gibson

United States District Judge

cc: Counsel of Record via CM-ECF

George Espinoza 7110-053 Moshannon Valley Correctional Center 555 I Geo Drive Philipsburg, Pa 16866